

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system on the date set forth below:

Dated: March 25, 2008

Signature: Christina M. Sperry/  
(Christina M. Sperry, Reg. No. 47,106)

Docket No.: 101896-240  
(DEP5278)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Paul Birkmeyer et al.

Application No.: 10/708,721

Confirmation No.: 2720

Filed: March 19, 2004

Art Unit: 3733

For: SPINAL FIXATION ELEMENT AND  
METHODS

Examiner: J. L. Swiger

**RESPONSE TO NON-FINAL ACTION**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

This paper is filed in response to the Office Action dated February 26, 2008.

**Remarks/Arguments** begin on page 2 of this paper.

A copy of the **Pending Claims** is attached hereto. No claim amendments are made.